

Message Text

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41

ACTION NEA-10

INFO OCT-01 ISO-00 L-03 NEAE-00 EB-07 /021 W

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P 151255Z OCT 75

FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC PRIORITY 3713

UNCLAS TEHRAN 10105

EO 11652: NA

TAGS: BGEN, IR

SUB: AFFIDAVITS CONCERNING AGENTS

REFS: (A) STATE 181299; (B) STATE 237371; (C) TEHRAN 9853

1. ECON COUNSELOR AND EMBOFF OCTOBER 15 MET WITH PARVIZ HEKMAT, DEPUTY MINISTER, PLAN ORGANIZATION, WHO HAS RESPONSIBILITY FOR MAJOR GOI CONTRACTS AND AFFIDAVITS RE AGENTS. IN RESPONSE TO OUR QUERIES, HEKMAT SAID HE HAD NOT SEEN OUR AIDE MEMOIRE (REF A) AND WE AGREED TO SEND HIM A COPY. HE SAID THAT LONG FORM AFFIDAVIT WAS PREFERRED BY GOI TO MOW'S SHORT FORM. INDICATED THAT THERE WOULD BE REVISIONS RESULTING IN NEW FORM WITHIN FEW WEEKS. SAID THAT COMPANIES SHOULD CONTINUE TO USE LONG FORM IN INTERIM. REVISIONS WOULD CLOSE LOOPHOLES (E.G., ARRANGEMENTS WITH AGENTS WHICH MAY BE MADE AFTER AFFIDAVIT IS SIGNED) AND CLARIFY PROCEDURES. HEKMAT ASKED US IF WE HAD ANY SUGGESTIONS AS TO PROCEDURES BEYOND THOSE CONTAINED IN AIDE MEMOIRE. IF DEPARTMENT HAS ANY POINTS IT WOULD LIKE US TO MAKE WITH HEKMAT, WE WOULD APPRECIATE HAVING THEM BY OCTOBER 20. HIS DRAFT IS DUE NEXT WEEK.

3. WE ASKED HEKMAT QUESTION RAISED REF (B). HE TOOK NOTE AND PROMISED US AN ANSWER SHORTLY. HE AGREED WITH US THAT UNTIL NEW FORM WAS RELEASED, COMPANIES COULD HAVE DOCUMENTS NOTARIZED IN U.S. AND SENT TO IRANIAN CONTRACTOR. IF NECESSARY, THEY COULD RESUBMIT AFFIDAVIT WHEN NEW FORM IS PROMULGATED.

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4. WE ALSO ASKED HEKMAT WHETHER AFFIDAVITS COULD HAVE RETROACTIVE APPLICATION. WE CITED EXAMPLES OF AMERICAN COMPANIES WHICH HAD TERMINATED THEIR TIES TO IRANIAN AGENTS, BUT ORIGINAL CONTRACT HAS BEEN AMENDED OR EXTENDED BY A RECENT CONTRACT WHICH REQUIRED AFFIDAVITS. SHOULD AFFIDAVIT COVER PRESENT, NO-AGENT SITUATION OR REPORT ON COMPANIES' FORMER RELATIONSHIP WITH AGENTS. HEKMAT TOOK NOTE AND PROMISED TO GIVE US AN ANSWER.

5. FINALLY, HEKMAT READ TO US LETTER FROM NIOC WHICH STATED THAT NO MIDDLEMEN WHATSOEVER (E.G., NO DISTRIBUTOR OR OTHER LEGITIMATE REPRESENTATIVE) WOULD BE PERMITTED IN IRANIAN PETROLEUM CONTRACTS. HEKMAT SUGGESTED THAT WE SEEK FURTHER INFORMATION ON THIS RULING DIRECTLY FROM NIOC. WE SHALL DO SO.
HELMS

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